

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JOINT APPROP SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION

Call to Order: By **CHAIRMAN LILA TAYLOR**, on January 25, 1999 at 8:00 A.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Rep. Lila Taylor, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Eve Franklin (D)
Sen. Ken Mesaros (R)
Rep. Ray Peck (D)
Rep. Joe Quilici (D)

Members Excused: None.

Members Absent: None.

Staff Present: Skip Culver, Legislative Branch
Lynn Daily, Committee Secretary
Mary LaFond, OBPP

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Testimony for the Judiciary Budget

Chief Justice J.A. Turnage gives testimony. **EXHIBIT(jgh19a01)**

Mary LaFond of the budget office gives a copy of the Judicial Branch Request. **EXHIBIT(jgh19a02)**

Bruce Loble, Chief Water Judge for Montana, give testimony for the Water Court Budget. (Pg A-26)

The water court is a highly specialized court that adjudicates water rights.

January 25, 1999

PAGE 2 of 8

- only state entity that is actively trying to work itself out of a job.
- 11 people on staff
- three Water Masters have quite
 - turnover used to very high but now every time there is extra money it's pushed towards them as an incentive to stay
 - with experienced Water Masters they can get more done

Have 85 basins with 295 claims that currently outstanding

- everyone filed a claim in 1982 as to what they believed their water rights were
- the Water Court then issued a decree and the people could file an objection if they disagreed.

Reserve Water Rights are reserved to the public domain
Reserve Water Rights Compact Committee negotiates with the tribes.

Have three compacts that they have established

1. Fort Peck
2. Northern Cheyenne
3. National Park Service
 - takes in six national park services

Flathead Reservation

the Supreme Court held that until the reserve water rights of this tribe are determined that the Department of Natural Resources does not have the authority to issue any new water right permits there or any changes in water rights.

This decision is in the Supreme Court

They are currently working in Clark Fork, Helena, Gallatin, Bitterroot, Sun River, and Lower Milk

- Don't have a Water Master on the Milk River which the legislature has told them is the highest priority

Their requests include

1. Eliminate vacancy proposal of \$15,000 and give the money to the Water Masters
2. Give \$5000 in FY00 and \$10,000 in FY01 for Water Masters
3. Replace the telephone system for \$15,000
 - if we keep our three vacant positions vacant for the next 3-4 months then we can come up with \$60,000, to hire a new Water Master in the spring.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 30.3}

They don't have the vacancy savings to give unless they want the work to slow down.

January 25, 1999

PAGE 3 of 8

Question From Members and Responses

SEN. FRANKLIN asks when the completion date will be. **Judge Loble** says they are projecting about 16-20 years, however with an objection rate of 27.8%, he believes they will be finished much sooner. A large turnover rate has also slowed them down. The remaining basins also do not have irrigation claims, which are the hardest to deal with. In 2005 the Compact Committee will be complete and he is going to ask for some of these people.

SEN. MESAROS asks if it is fair to assume that they are roughly 1/3 of the way through. **Judge Loble** believes that they are half way through.

REP. PECK asks why the Milk River is in priority status. **Judge Loble** believes it is because it is such an appropriated steam that starts in Montana and goes into Canada.

REP. PECK asks how many of the four reservations have decrees been agreed to. **Judge Loble** says that only Fort Peck has been agreed to.

SEN. TAYLOR asks how many Water Masters there are and what the turnover rate is. **Judge Loble** says that there are normally six and the turnover rate in the last six years has been zero.

SEN. TAYLOR asks out of the 219,000 claims they have how many do they average per year and how many are left. **Judge Loble** says that they average about 2,000 per year and one and half years ago they had 110,000 left

SEN. TAYLOR asks how many people does Natural Resources have on water rights. **Judge Loble** says they have 13 FTEs that work on adjudications in Havre, Missoula, Helena, Billings, Bozeman and other areas.

SEN. FRANKLIN asks how they prioritize a response to an objection. **Judge Loble** says that they assign a Water Master to each basin. The assigned Water Master takes in all the claims of that area and consolidates them into a case by finding people that have objections to the same water rights.

CHAIRMAN TAYLOR asks how they deal with compacts on reservations. **Judge Loble** says they hold a conference with the attorneys for the tribes plus the attorney for the people who have filed the objection to the compact. One problem is with the ground water as a reserve water right.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 30}

January 25, 1999

PAGE 4 of 8

Testimony for the Law Library A-21

Judy Meadows, Librarian for the State Law Library, gives testimony for their budget.

The State Law Library in Montana is the oldest in the state.

EXHIBIT(jgh19a03)

They serve district courts, county commissions, supreme court, attorney generals office, and students. Sixty percent of the people who come into contact with the law library are non-law trained.

EXHIBIT(jgh19a04): FY1998 Numbers

They level the playing field in Montana.

They do not practice law.

They're book budget is very large, about \$250,000 per year, because law books and legal codes are very expensive.

Without legal information they cannot do their job.

Inflation of law books last year was 8.7%.

They have a request for a restricted biennial non-recurring budget of \$50,000.

Opponents' Testimony:

Steve Ellis; Ennis, Montana

Would like to get more information on the Internet

Questions from Committee Members and Responses:

CHAIRMAN TAYLOR asks how many of the staff are also attorneys.

Judy Meadows says that there are two people with law degrees and five with masters in information science.

REP. QUILICI asks how much of their total amount they are collecting in fees. **Mrs. Meadows** says it is about \$45,000 per year which is reverted into the General Fund.

SEN. TAYLOR asks if the money they are requesting for archives would go to the start of putting things on electronic copies. **Mrs. Meadows** says this will be a start for this.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 30.5}

SEN. TAYLOR asks how much of their information is on the Internet. **Mrs. Meadows** says that very little is on the Internet. Some of their information comes from authors who do proprietary work so this will never be available on their Internet service.

SEN. MESAROS asks how much contact they have with the prison law library. **Mrs. Meadows** says they have a policy of not serving directly to the institutionalized. They do donate a lot of their second copies of books to them when they run out of room or the books are out of date.

January 25, 1999

PAGE 5 of 8

Mary LaFond says that when they looked at the inflation rate of books, the University system inflation rate was so large that they decided not to address the inflation rate at all.

REP. QUILICI asks if there is some way to stop the drastic rise in book inflation. **Mrs. Meadows** says that she deals with this on a daily basis. She has seen a massive consolidation in the last eight years. In 1999, there are three legal publishers that serve the North American market, so they no longer have a choice. Sometimes they can only get information from one of the publishers. They no longer order second copies of books and they have canceled everything that can be accessed on the Internet. They do eventually run out of options.

{Tape : 2; Side : A; Approx. Time Counter : 14.1 - 16.6}

Court Assessment A-17

Sherry Meador, Coordinator for the Court Assessment Office, speaks for the budget. **EXHIBIT(jgh19a05)**: Montana Supreme Court, Court Assessment Program

Local Citizen Review Board

Pat Chenovick speaks for the budget.

EXHIBIT(jgh19a06): Budget Enhancement, Not included in Executive Budget

This program makes a real difference.

The Citizens Review Board (CRB) has the involvement of the local community.

- volunteer
- will see a real benefit down the road

Opponents' Testimony:

Karen Sedlock, Program Supervisor of the Citizen Review Board

EXHIBIT(jgh19a07): Testimony

EXHIBIT(jgh19a08): Letter of Support

{Tape : 2; Side : B; Approx. Time Counter : 25.4 - 30.3}

Margaret Fleming, Citizens Review Board

- teenagers worry her terrible
- there children need us and the money, otherwise we will meet those children at a parol board hearing

{Tape : 3; Side : A; Approx. Time Counter : 0 - 11.1}

Susan Talbat, Citizen Review Board

EXHIBIT(jgh19a09): Testimony

{Tape : 3; Side : A; Approx. Time Counter : 11.1 - 12.5}

January 25, 1999

PAGE 6 of 8

Elizabeth Drummond, Citizens Review Board

- the meeting provide a neutral forum

Questions from Committee Members and Responses:

REP. QUILICI asks what kind of compensation they receive. **Mrs. Drummond** states that it is purely emotional no other compensation is given.

{Tape : 3; Side : A; Approx. Time Counter : 12.5 - 14.3}

Judge Jim Purcell, Butte Silver Bow District Judge

- once a month the CRB meets
- all the minutes of each child is typed up to be reviewed by the district judge
- the process is getting kids out of foster care and into a permanency
- believes they are doing a real service at a minimal cost

{Tape : 3; Side : A; Approx. Time Counter : 14.3 - 21.2}

Judge Jack Whalen, Butte Silver Bow District Judge

- what we are doing presently is much more superior to the past
- would like to enlarge

{Tape : 3; Side : A; Approx. Time Counter : 21.2 - 23.5}

Judge John Larson, Missoula District Judge

- there is a big turnover in social workers
- there was one case in Missoula of a child that was in the system for 13 years with 22 different placements
- teenagers are the most at risk
 - most cases of suicides and deaths
- CRB is able to bring the children to the judges

{Tape : 3; Side : A; Approx. Time Counter : 23.5 - 30.3}

Michael Fay, Vice Chairman of the Bozeman Citizen Review Board

EXHIBIT(jgh19a10): Testimony

- a child deserves a good home

Questions from Committee Members and Responses:

CHAIRMAN TAYLOR asks if the foster parents are involved when there is a review. **Mr. Fay** says that they are always invited but some chose not to participate. They get a lot of information from the foster parents.

{Tape : 3; Side : B; Approx. Time Counter : 0 - 6.3}

Maggie O'Brien, Citizens Review Board

January 25, 1999

PAGE 7 of 8

1. makes the department accountable for what is happening to each child
2. The CRB is aware of how much it costs for each child and where the money is going
3. Serves a very structured but neutral forum

{Tape : 3; Side : B; Approx. Time Counter : 6.3 - 11.2}

End Testimonies

Questions from Committee Members and Responses:

SEN. FRANKLIN asks Mrs. Sedlock to respond to the audit commissions responses. **Mrs. Sedlock** says that the audit covered FY97 and they were very much in the infancy of the program. It wasn't a time frame that was good enough to see what was going on.

SEN. TAYLOR asks what would happen if Federal funding was reduced. **Mrs. Sedlock** says that the Children's Bureau has assured them that as long as they keep doing reviews they will continue to get money. They do not allow any one on the board to serve without training. These people have been a blessing to the children.

REP. QUILICI asks about the 3 FTEs they are requesting. **Mrs. Sedlock** says they would like to start a CRB in Cascade county at Great Falls, which would account for one FTE, and in Flathead County and Lake County, which would also require one FTE. The other FTE would be for in house staff. They have a university student who has developed their entire data base on a volunteer basis.

EXHIBIT (jgh19a11): Report to the 56th Legislature by the Local Citizen Review Board Pilot Program

{Tape : 3; Side : B; Approx. Time Counter : 11.2 - 28.0}

January 25, 1999
PAGE 8 of 8

ADJOURNMENT

Adjournment: 11:15 A.M.

REP. LILA TAYLOR, Chairman

LYNN DAILY, Secretary

LT/LD

EXHIBIT (jgh19aad)